

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERUBY ABREGO,)	
)	
<i>Plaintiff,</i>)	Case No. 23 C 01740
)	
v.)	Hon. Steven C. Seeger
)	District Judge
REYNALDO GUEVARA, <i>et al.</i> ,)	JURY TRIAL DEMANDED
)	
<i>Defendants.</i>)	

PARTIES' JOINT STATEMENT

The parties, by their respective undersigned counsel, respectfully submit the following joint statement pursuant to the Court's Order (Doc. 26):

1. The Nature of the Case

- a. Attorneys of record

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b. Nature of the claims: Plaintiff alleges that the individual Defendants violated his constitutional rights, including his rights to due process, when they caused him to be wrongly convicted and imprisoned for decades for a murder he did not commit. Plaintiff further alleges that the City of Chicago's policies and practices caused the violation of his constitutional rights. Plaintiff also claims that the Defendants committed state-law torts. Finally, Plaintiff seeks attorneys' fees and costs under 42 U.S.C. § 1988. There are no counterclaims.

c. Major legal and factual issues: (1) whether Defendants fabricated false evidence, including false witness statements and false testimony, which was used against Plaintiff during their criminal proceedings, in violation of their rights to due process; (2) whether Defendants suppressed exculpatory evidence, including evidence that Defendants had manufactured false identifications of Plaintiff, in violation of due process; (3) whether Defendants coerced Plaintiff

into falsely confessing in violation of due process and Plaintiff's Fifth Amendment right; (4) whether Defendants caused a criminal case to be instituted or continued against Plaintiff without probable cause, and whether Plaintiff was deprived of his liberty as a result; (5) whether Defendants failed to intervene to prevent the violation of Plaintiff's constitutional rights; (6) whether Defendants conspired to violate Plaintiff's rights; (7) whether Plaintiff's constitutional rights were violated as the result of a policy or practice on the part of the City of Chicago to violate the due process rights of criminal defendants; and (8) the damages that Plaintiff has suffered as a result of his wrongful conviction.

d. Relief sought: Plaintiff seeks compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

2. Jurisdiction

a. Basis for federal jurisdiction: This action is brought pursuant to 42 U.S.C. § 1983 and Illinois law. This Court has jurisdiction of Plaintiff's federal claims pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction of his state-law claims pursuant to 28 U.S.C. § 1337.

3. Status of Service:

Defendants Guevara, Bogucki, Schalk, Wojick, Turano, Cook County, and City of Chicago have executed a waiver of service. Dkts. 27, 28, 29, 30, 31, 32. Defendants Halvorsen, Engel, and Cappitelli have not yet been served.

4. Consent to Proceed Before a Magistrate Judge

The parties do not agree to consent to proceed before a magistrate judge at this time.

5. Pending Motions and Responsive Pleadings

b. The Individuals Defendant and Defendant City of Chicago anticipate responding to the complaint with either an answer or a motion to dismiss. Defendant Cook County has filed

an opposed motion for an entry of an order in lieu of an answer, and Plaintiff responded in opposition. Dkts. 22, 23. Plaintiff also intends to file a motion to substitute special representatives for deceased Defendants Halvorsen and Cappitelli.

6. Case Plan

a. Plaintiff's Proposed Discovery Plan

General type of discovery needed: Fact and expert discovery into Plaintiff's individual claims, *Monell* claims, and damages will be necessary in this case.

- Plaintiff's suggested discovery schedule¹ is as follows:
 - Date for Rule 26(a)(1) disclosures: June 26, 2023
 - First date to issue written discovery: June 26, 2023
 - Fact discovery deadline: February 15, 2024

Expert discovery:

- Plaintiff's Rule 26(a)(2) disclosures: March 15, 2024
- Defendants' Rule 26(a)(2) disclosures: April 15, 2024
- Plaintiff's Rule 26(a)(2) rebuttal disclosures: May 7, 2024

b. Defendants' Proposed Discovery Plan:

- Defendants' Proposed Discovery Plan²

¹ Plaintiff's proposed dates for discovery are based on Plaintiff's counsel's experience in other pending litigation involving former Detective Guevara and the fact that much of the discovery into Defendant Guevara's other bad acts and the City's *Monell* liability on multiple theories of liability have already been completed in other cases. In Plaintiff's view, this means his case can be prepared more expeditiously for trial.

² Defendants' proposed dates for discovery are based on its counsel's experience in other pending litigation involving former Detective Guevara. In fact, in another recently filed case pending before Magistrate Judge Harjani, the Court entered a scheduling order that mirrors the one proposed by Defendants here based on Magistrate Judge Harjani's experience in another pending Guevara-related case. *See Rodriguez v. Guevara, et al.*, 22 CV 6141 (Dkt. 68). Counsels for Defendant Turano are not involved in any other litigation involving former Detective Guevara and may require additional time to abreast themselves regarding the prior litigation and discovery completed in those matters.

- (1) Rule 26(a)(1) Disclosures: 30 days after all parties have been served and appear.
- (2) First date to issue written discovery: 30 days after all parties have been served and appear.
- (3) Non-*Monell* fact discovery deadline: July 1, 2024.
- (4) *Monell* discovery and expert discovery deadlines to be determined at a later time.

It is Defendant Cook County's position that is not required to participate in discovery as it has been named solely for indemnification.

c. A jury trial is requested. The parties estimate trial in this case will take between 15 and 25 trial days. The parties do not have a trial date and are not yet ready for a trial date.

7. Settlement

- a. The parties have not engaged in settlement discussions.
- b. The parties do not request a settlement conference at this time.

RESPECTFULLY SUBMITTED,

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